

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

STRONGSTEEL OF ALABAMA, LLC

and

Case 15-CA-189655

TONY MCGINTY AND ERIC BRACEWELL

ORDER¹

Strongsteel of Alabama, LLC and Anthony Attalla's Motion to Quash subpoena duces tecum B-1-1DCS19R is denied as untimely. Section 11(1) of the Act and Sections 102.31(b) and 102.2 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena was served on August 6, 2021. Thus, the motion, which was filed on August 20, 2021, is untimely.

In addition, even assuming that the motion was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the movants have failed to establish any other legal basis for quashing the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The movants' argument that the subpoena violates the automatic stay provision of the Bankruptcy Code, 11 U.S.C. § 362, is without merit. *NLRB v. Continental Hagen Corp.*, 932

Dated, Washington, D.C., November 30, 2021.

MARVIN E. KAPLAN,	MEMBER
-------------------	--------

GWYNNE A. WILCOX,	MEMBER
-------------------	--------

DAVID M. PROUTY,	MEMBER
------------------	--------

F.2d 828, 834 (9th Cir. 1991); *NLRB v. Edward Cooper Painting, Inc.*, 804 F.2d 934, 942 (6th Cir. 1986); *NLRB v. Evans Plumbing Co.*, 639 F.2d 291, 293 (5th Cir. 1981).